

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

FILED IN CLERK'S OFFICE

FEB 25 2004

Deputy Clerk

IN RE: TRI-STATE )  
CREMATORY LITIGATION ) MDL DOCKET NO. 1467  
)

**FUNERAL HOME DEFENDANTS' SECOND AMENDMENT AND THIRD  
SUPPLEMENT TO THE PRE-TRIAL ORDER**

The FUNERAL HOME DEFENDANTS respectfully request permission to  
amend and supplement the Pre-Trial Order as follows:

16.

Attached hereto as Attachment E-2 for the Funeral Home Defendants is the  
submission of Stipulated Facts by the Funeral Home Defendants.

**See Attachment E-2.**

18.

Attached hereto as Attachment "F-1" for the plaintiff, Attachment "F-2" for  
the defendant, and Attachment "F-3", etc. for all other parties is a list of all the  
witnesses and their addresses for each party.

**Funeral Home Defendants attach a Second Revised Witness List,  
marked as Second Revised Attachment F-2.**

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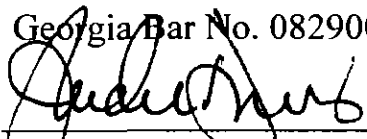
23.

**Funeral Home Defendants request that Court consider the attached working draft of the Funeral Home Defendants' Verdict Form, as discussed at the Pretrial conference held on February 19, 2004.**

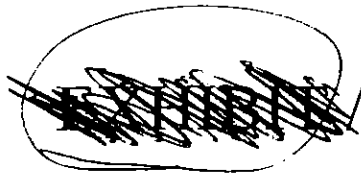
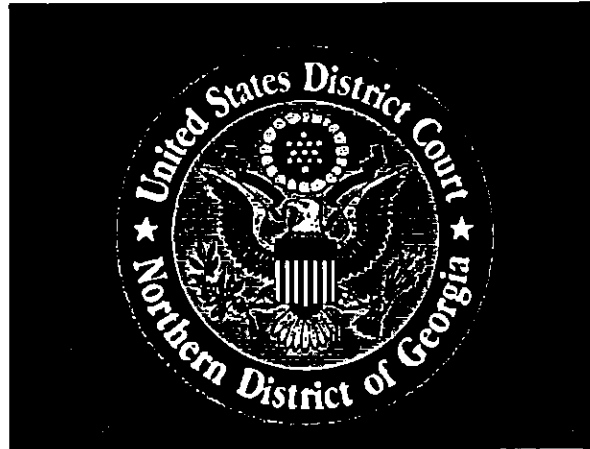
Respectfully submitted, this 23<sup>rd</sup> day of February, 2004.

**BRINSON, ASKEW, BERRY, SEIGLER,  
RICHARDSON & DAVIS, LLP**

The Omberg House  
615 West First Street  
Post Office Box 5513  
Rome, GA 30162-5513  
Phone 706/291-8853  
Fax 706/234-3574

Robert M. Brinson  
Georgia Bar No. 082900  
By:   
J. Anderson Davis  
Georgia Bar No. 211077

Lead and Liaison Counsel for Defendant  
Funeral Homes



ATTACHMENT

E

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EXHIBIT / ATTACHMENT

2

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**IN RE: TRI-STATE CREMATORY LITIGATION  
MDL DOCKET NO. 1467**

**ATTACHMENT E-2**

**STIPULATED FACTS  
SUBMITTED BY FUNERAL HOME DEFENDANTS**

1. Tri-State Crematory began operating in 1982.
2. Prior to the opening Tri-State Crematory for business, Ray Marsh owned and operated Marsh Vault and Grave Service.
3. Initially, Ray Marsh made the vaults he used in his vault business.
4. In the twelve years prior to the opening of Tri-State Crematory, area funeral homes had worked closely with Ray Marsh and his vault and grave digging business.
5. Prior to the opening of Tri-State Crematory, the closest crematory in the Northwest Georgia area was in Atlanta, Georgia.
6. In 1992, Ray Marsh ran on the Democratic ticket for the office of Walker County Coroner.
7. Ray Marsh lost the county election for Walker County Coroner to Bill McGill, the incumbent for the previous 14 years, by a margin of 53.79 percent to 46.20 percent.
8. On March 12, 1996, Walker County Commissioner declared March 12, 1996 as Ray Marsh Day.
9. On Ray Marsh Day, Ray Marsh was presented with a county proclamation by the then Walker County Commission, stating "Ray has been a great asset to Walker County serving on many committees over the years, particularly as a member of the board of directors of the Walker County Department of Family and Children Services."

10. The Walker County Commissioner also honored Ray Marsh in the proclamation as “an outstanding citizen of Walker County, an honorable man of high moral character and honest business practices, a wonderful husband and father, and a beloved friend.”
11. Ray Marsh and Clara Chestnut Marsh were married until Ray Marsh’s death in 2003.
12. In 1989, Clara Marsh served as Director of the Walker County Drug Free Program.
13. Clara Marsh directed the Walker County Drug-Free School program.
14. For several years, including 1991 and 1992, Clara Marsh served as the Walker County School System drug abuse prevention resource teacher and coordinated Red Ribbon Week, a program sponsored by the National Federation of Parents for a Drug Free Youth.
15. Clara Marsh served as Walker County’s drug intervention teacher.
16. As Walker County’s drug intervention and resource teacher, Clara Marsh was active in the “Just Say No” program and the Chattanooga and North Georgia “Students Taking a Right Stand” program.
17. In 1995, Clara Marsh was named “Walker County Citizen of the Year,” an award given each year to a Walker County Resident who has performed meritorious service above and beyond what would be expected of a citizen.
18. In 1986, Clara Marsh served on a 14 person committee for securing a bank in the Noble-Rock Spring area and was named secretary of that committee.
19. In 1986, Clara Marsh was named secretary-treasurer of the Northwest Georgia Community Mental Health-Mental Retardation Area Citizens Advisory Council.
20. In 1987, Clara Marsh served as Local Chairman of the National Kidney Foundation.

21. From December 1982 through March 1986, Clara Marsh served as Chairman of the Walker County Democratic Party.
22. In 1997, Clara Marsh was named to the Board of Directors of the Walker Technical Institute.
23. Clara Marsh was a public school teacher for 32 years teaching in South Carolina and Walker County, Georgia.
24. Clara Marsh was a charter member of LaFayette Business and Professional Women's Club.
25. In 1990, at the State of Georgia Convention in Marietta, Georgia, Clara Marsh was awarded the "Georgia Woman in History" award sponsored by the Georgia Business and Professional Women's Clubs.
26. Clara Marsh was selected for the "Georgia Woman in History" award by a panel from the Florida Federation of Business and Professional Women.
27. Clara Marsh served as Chairman of the Rome Regional Hospital Mental Health Advisory Council.
28. Clara Marsh served as a Member of the Walker County Leadership Council.
29. Clara Marsh was the Walker County Representative to the Jefferson-Jackson Dinner.
30. Clara Marsh served as a member of the Walker County Bicentennial Committee.
31. Clara Marsh was a member of the Walker County Association of Educations and a member of the Board of Directors of the Georgia Association of Educators.
32. Clara Marsh served as Sunday School Superintendent and a Member of the Board of Trustees of the New Home Baptist Church.

33. Ray Marsh and Clara Marsh have five children, including three daughters and two sons. In 1990, Clara and Ray Marsh's oldest son worked at the Pentagon in Washington D.C. with the U. S. Army, one daughter was a school teacher, one daughter worked with VISTA Community Program, one daughter was attending college, and Brent Marsh who was a senior in high school.
34. In 1990, Clara Marsh was appointed by Governor Joe Frank Harris to Georgia's Ad Valorem Assessment Review Commission.
35. Clara Marsh has received recognition from the LaFayette Housing Authority for her volunteer efforts, and received a plaque from the Authority Commissioners and staff which states "Loves her neighbor as herself."
36. In 1999, Clara Marsh served as a volunteer for the Walker County Court Appointed Special Advocate Program which helps abused and neglected children.
37. The next-of-kin of the following decedents who were identified on the Tri-State Crematory property are not bringing any claims in this litigation against a funeral home but are only asserting claims against Tri-State Crematory, Brent Marsh, Clara Marsh, Lashea Marsh and the Estate of Ray Marsh:
  1. Harlan Anthony Ledford
  2. Johnny P. Gravitt
  3. Stanley Dilbeck
  4. Alto Arlene Stewart
  5. Edwin Engle
  6. Alan Cutler
  7. Sarah Smith
  8. Evelyn G. Gibson
  9. Clinton Walls
  10. Lillie T. Johnson
  11. Johnnie Jenkins
  12. Joseph Silva
  13. Pearl Mae Henson



14. William Roscoe Burns
15. Lewis Patterson
16. Richard Ellison Lee
17. Floyd Padget
18. Lester Willard Shockley
19. Homer Leon Johns
20. Carol A. Henson
21. George Witt
22. Florence Wells
23. Barbara Pelletier
24. Stanley Joseph Angelle
25. Sarah Ruth Delay
26. Malcolm Steve Holder
27. Eric K. Lloyd
28. Karen Owens
29. Stephen Taylor
30. Roy Waco Simpson
31. Cyril Walton
32. Hugh Johnson
33. Edmond Beach
34. Lloyd Harden
35. Ricky Huffaker
36. Marvin Ausburn
37. Edward Earl Robinson
38. Dale Stewart Tyrrell
39. Wayne Allen
40. Ira Manis
41. J.W. Rymer
42. Marjorie S. Crackel
43. Robert C. Roe
44. John F. Pinder
45. Donald S. Edsell
46. Richard Arntz
47. Opal Rush
48. Martin R. Huart, Sr.
49. Mildred Watts
50. Welby Joe Saylor

51. Rosa Rice
52. Clayton McClure
53. John Edwards Bowens
54. Lua Mae Nehrenz
55. Carolyn Ellison
56. James Guyer
57. Lovie Mae Huff
58. Francis James Rutters
59. Victoria Walker
60. Thomas Stillwell
61. Peggy Ann Pate
62. James Nard
63. Lydia F. Lennon
64. Virgil Bell
65. Thomas J. Conyers
66. Ruffus Tolliver
67. Virginia Hulett
68. Arlene Clark
69. Bertha King
70. Aaron McReynolds
71. James Todd
72. Mamie R. Watts
73. Frederick Craig
74. Virginia Hugenberger
75. Charles Goode
76. Margaret Grigsby
77. Gregory Greer
78. Frances Otellio
79. James Henry Neal
80. Narhonda Tucker
81. William O. Pierce
82. Jack Ray
83. Clarence M. Collins
84. Reed Moran, Jr.

38. The next-of-kin of the following decedents who were identified on the Tri-State Crematory property are bringing claims in this litigation against a funeral home defendant and Tri-State Crematory, Brent Marsh, Clara Marsh, Lashea Marsh and the Estate of Ray Marsh:

1.	Ann L. Hawkins	Wallis-Wilbanks Funeral Home
2.	Stanley Mitchell	Sequatchie Valley Funeral Home
3.	Gary Alan Pletcher	Wann Funeral Home
4.	Billie Striebirger	Wann Funeral Home
5.	Raymond A. Lee	Turner Funeral Home
6.	Nancilee Kelly	Wann Funeral Home
7.	Anna Bell Blevins	R.D. Moore Funeral Home
8.	James Fletcher	Ryan Funeral Home
9.	Betty Jean Davis	Turner Funeral Home
10.	David Massengale	Turner Funeral Home
11.	Natalie Canada	Wann Funeral Home
12.	Phillip Flemister	Crombie-Pinkard Funeral Home
13.	Larry T. Jones	Turner Funeral Home
14.	William Green	Turner Funeral Home
15.	Clinton Cater	Turner Funeral Home
16.	Charles F. Martin	Gilmore Funeral Home
17.	Ross Hall	Wann Funeral Home
18.	Fred Ryan	Wann Funeral Home
19.	Georgia Smith	Turner Funeral Home
20.	Ethel Reynolds	Turner Funeral Home
21.	Richard Shaw	Wallis-Wilbanks Funeral Home
22.	Sherry L. Thayer	Sequatchie Valley Funeral Home
23.	Roderick Gay	Moore's Funeral Home
24.	Salvatore Todaro	Gilmore Funeral Home
25.	Alfred G. Azar	Turner Funeral Home
26.	Kenneth Schenk	Turner Funeral Home
27.	Cora McAllister	Wann Funeral Home
28.	Edna Scruggs	Ryan Funeral Home
29.	Deborah Gent	Thomas & Son Funeral Home
30.	Robert S. Williams	Wann Funeral Home
31.	Laura Harper	Taylor Funeral Home
32.	Henry Green	Turner Funeral Home

33.	Richard Jones	Wann Funeral Home
34.	Johnny Laymon	Turner Funeral Home
35.	John E. Craze	J. Avery Bryan Funeral Home
36.	Elenor William Caldwell	Wann Funeral Home
37.	Esther Duncan	Wann Funeral Home
38.	Margaret W. Kile	Turner Funeral Home
39.	Catherine Blackburn	Turner Funeral Home
40.	Tida Landry	Wann Funeral Home
41.	Florence Bohr	Wann Funeral Home
42.	Daniel F. Christie	Turner Funeral Home
43.	Van Robert Brock	Wallis-Wilbanks Funeral Home
44.	Edward Gomez	Turner Funeral Home
45.	Robert H. Gosnell	Turner Funeral Home
46.	Rindaldo Calderone	Turner Funeral Home
47.	Charles Kilgore	Foster & Son
48.	Lance Sargent	Crombie-Pinkard Funeral Home
49.	Ron Hendricks	Cagle Funeral Home
50.	Thomas D. Hembre	Foster & Lay Funeral Home
51.	Marianne Schroeder	Foster & Lay Funeral Home
52.	William Bell Mooney	Foster & Lay Funeral Home
53.	Helen Wharey	Foster & Lay Funeral Home
54.	Joseph P. Rice	Covenant Funeral Home
55.	Anna Lea Seay	Moore Funeral Home
56.	Raymond Webb	Turner Funeral Home
57.	Virginia J. Parham	Wallis-Wilbanks Funeral Home
58.	David Oldaker	J. Avery Bryan
59.	Terry Carringer	Covenant Funeral Home
60.	James T. Boes	Wann Funeral Home
61.	Norma J. Dickson	Turner Funeral Home
62.	Shelaine Johnson	Covenant Funeral Home
63.	Thomas Greeson	Wallis-Wilbanks Funeral Home
64.	Mary Cate	Wann Funeral Home
65.	Nellie Collins	Wallis-Wilbanks Funeral Home
66.	Addis Crowe	Wann Funeral Home
67.	John Kidd	Wann Funeral Home
68.	Daniel Teague	Covenant Funeral Home
69.	Caroline McClur	Covenant Funeral Home

70.	Lucy Van Dyke	Wann Funeral Home
71.	Ronnie White	Turner Funeral Home
72.	Oliver Harpole	Gilmore Funeral Home
73.	Annie Brien	Turner Funeral Home
74.	James S. Kecskes	Turner Funeral Home
75.	Dorothy J. Ledford	J. Avery Bryan Funeral Home
76.	Gary Rae Staton	Turner Funeral Home
77.	Lois M. Kline	Turner Funeral Home
78.	Mark Edward Burns	Turner Funeral Home
79.	Syble Shriver	Turner Funeral Home
80.	Janna Taylor	House of Overstreet
81.	Frank Duff, Sr.	Wann Funeral Home
82.	Richard M. Brackett	Turner Funeral Home
83.	Kimberly McGraw	Moore Funeral Home
84.	George Sizer Lee	Wann Funeral Home
85.	Linda A. Halsead	Wann Funeral Home
86.	Sheldon Hiran Wheeler	Covenant Funeral Home
87.	Elizabeth Kelly	Wallis-Wilbanks Funeral Home
88.	Margarent McCormick	Wann Funeral Home
89.	Joyce Pledger	Erwin Pettit Funeral Home
90.	Clara Soukup	Cumberland Funeral Home
91.	Lawson Whitaker	Wann Funeral Home
92.	Novella Foster	Covenant Funeral Home
93.	John D. Smith	Covenant Funeral Home
94.	William Haynes Walker	Wann Funeral Home
95.	Shirley F. Brooks	Taylor Funeral Home
96.	Hattie M. Gibson	Cumberland Funeral Home
97.	Floyd Wallace	Wallis-Wilbanks Funeral Home
98.	John W. King	J.D. Hill Funeral Home
99.	Martin Jenson, Jr.	Turner Funeral Home
100.	Ralph F. Currier	Cumberland Funeral Home
101.	John E. Brown	Overstreet Funeral Home
102.	Stephen Hornyak	J. Avery Bryan Funeral Home
103.	Hubert B. Corriner	Covenant Funeral Home
104.	Irene Hames	Wann Funeral Home
105.	Darlene Jean Miyagi	Covenant Funeral Home
106.	Jensy Wood Hockenbery	Wann Funeral Home

107. Edward Ashworth	Wallis-Wilbanks Funeral Home
108. Johnny N. Dykes	Wallis-Wilbanks Funeral Home
109. Emmy West	Wann Funeral Home
110. Joseph Jeffries	Covenant Funeral Home
111. Thomas J. Higdon	J. Avery Bryan Funeral Home
112. Evelyn Hughes	Covenant Funeral Home
113. Malvenia Pruitt	Family Funeral Home
114. Clas F. Boeninger	Covenant Funeral Home
115. Mary Alice Oaks	Wann Funeral Home
116. Donna Griner Marsh	J. Avery Bryan Funeral Home
117. John W. Daniel	Turner Funeral Home
118. James Schwartz	Wann Funeral Home
119. Yancy Coker	Wann Funeral Home
120. William Boyd Miller	Erwin Pettit Funeral Home
121. Donna Dobbs Campbell	Wann Funeral Home
122. Luther Pete Mason	Wallis-Wilbanks Funeral Home
123. Jerlean Oden	Taylor Funeral Home
124. Walter S. Reed	Wann Funeral Home
125. Larry Williams	Sequatchie Funeral Home
126. Lorenz Lehner	Sequatchie Funeral Home
127. Rondi Hopper	J. Avery Bryan Funeral Home
128. Nora Jean Hutton	Turner Funeral Home
129. William Scoville	J. Avery Bryan Funeral Home
130. Carl Everett Knoedler	Covenant Funeral Home
131. Robert A. McGinnes	Wann Funeral Home
132. Johnnie Alexander	Wann Funeral Home
133. Wanda Dale Harmon	Turner Funeral Home
134. Patrick Joseph Wilson	Wann Funeral Home
135. Elizabeth L. Long	Covenant Funeral Home
136. Angelina Neri	Moore Funeral Home
137. Shirley Few Toney	Taylor Funeral Home
138. Mary Ordway	Wann Funeral Home
139. Helen Louise McKin	Wallis-Wilbanks Funeral Home
140. Dennis Gene Pierce	Covenant Funeral Home
141. John Workman	Turner Funeral Home
142. Paula Dean	Covenant Funeral Home

39. Plaintiffs and Defendants hereby stipulate that the remains of Thomas Milburn Oliver were not adulterated.
40. The actions of the Georgia State Board of Funeral Services regarding Tri-State Crematory were lawful, valid, and proper.
41. The Georgia State Board of Funeral Services at no time required Tri-State Crematory to acquire license.
42. Tri-State Crematory at all times material was properly and lawfully permitted by the Georgia State Board of Funeral Services to operate without a license.



EXHIBIT / ATTACHMENT

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## EXHIBIT / ATTACHMENT



(To be scanned in place of tab)

**In re: Tri-State Crematory Litigation**  
**MDL Docket No. 1467**

**SECOND REVISED ATTACHMENT F-2**  
**FUNERAL HOME DEFENDANTS**  
**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

<b>NAME</b>	<b>ADDRESS</b>
Allen, Patrica	211 Center Point Rd. 706-764-2913
Anderson, Lois	293 Forrest Way Drive LaFayette, GA 706-764-0067
Arnold, Dorothy	427 Loughridge Lane LaFayette, GA 30728 706-764-2828
Autry, Janet	192 Forrest Way Dr. LaFayette, GA 30728 706-764-9919
Barbee, David	784 Staniford Gap Rd. Chattanooga, TN 423-899-2091
Barrett, Larry	Barrett & Associates- Lafayette Sq. 706-638-5884
Barrow, Brian	Hardwick & Sons Funeral Home- 913 E. ML King Blvd. Chattanooga, TN 37403 423-267-1244
Barton, James	338 Miller Mt. Rd. N.W. Lindale, GA
Bates, Gloria	East Tennessee State Funeral Directors and Mortician Association, Inc.-
Bellenfant, Larry	J. Avery Bryan Funeral Home- 747 McCallie Ave Chattanooga, GA 37403 423-266-2131
Bennett, Eric	49 Ray Marsh Lane 706-764-2071-
Bingham, Shane	2938 Dug Gap Rd Dalton, GA 706-217-5344
Blevins, Mike	Chattanooga Funeral Home

**In re: Tri-State Crematory Litigation**  
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**FUNERAL HOME DEFENDANTS**  
**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

Boyd, Byron	24 Mountain View Drive Jasper, TN 37347 423-942-2887
Boyd, Harrell	24 Mountain View Drive Jasper, TN 37347 423-942-2887
Boyle, Ruth	471 Loughridge Lane LaFayette, GA 30728 706-764-1711
Brown, Barbara	201 Center Point Rd. LaFayette, GA 706-764-1874
Brown, Lawrence & Betty	26 Forrest Way Drive LaFayette, GA 30728 706-764-1492
Brown, Steve	212 Halls Mill Rd Chickamauga, GA 30707 706-539-1572
Buckmon, Brian	3521 Selma Ave. Knoxville, TN 865-540-4441
Bush, Wayne	1600 McArthur Dr. Manchester, TN 931-728-2936
Cagle, Bob	Cagle Funeral Home 364 E. Chruch St Jasper, GA 30143 706-692-6615
Cagle, David	Cagle Funeral Home 364 E. Chruch St Jasper, GA 30143 706-692-6615
Carter, Majorie	W.L. Wilson Funeral Home 555 W. Coould Spring Rd Rossville, GA 30741 706-866-5555
Coleman, Gwyndolyn,	Hardwick & Sons Funeral Home 913 ML King Blvd. Chattanooga, TN 37403 423-267-1244

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**Revised: 2/24/04**

Conner, Ken	144 Dobwood Dr. Calhoun, GA
Cook, Howard	
Cornwell, Rev. Charles	118 Center Point Rd. LaFayette GA 30728 706-764-1447
Coulter, Bennie	
Crews, Dave Stamp, Brad Threabold, David	David Threabold 148 Black Fountain Circle Flintstone, GA 706-820-4002 Industrial Heating Systems
Crox, Walt	Covenant Funeral Home
Day, Brady	102 Sparks St. LaFayette, GA 706-638-2676
Day, Louise	49 Forrest Way Drive LaFayette, GA 30728 706-764-1737
Earwood, James	Rt.1 Box 912 Summerville, GA
Eggert, James C.	532 Highway 28 Dunlap, TN 423-949-2112
Edwards, Bobby	7154 Hwy 27 Rock Springs, GA 706-764-1983
Farley, Edwin	P.O. Box 288 Pikeville, TN 423-533-2487
Ferguson, Rev. Steve	28 Stone Edge Court Ft. Oglethorpe, GA 30742
Fickey-Clark, Brandy	114 West Lafayette Sq. LaFayette, GA 30728 706-638-2811

**In re: Tri-State Crematory Litigation**  
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**Revised: 2/24/04**

Foster, Robert H.	Foster & Sons's Funeral Home 116 St. Clair St. Tracy City, TN 913-592-3691
Galloway, Chris	515 Loughridge Lane LaFayette, GA 30728 706-764-2792
Garmon, Agent James	GBI
Garrett, Lee	718 North Holly Street Chattanooga, TN
Goddard, Bruce	SCI Georgia
Gilbert, Henry	Bank of LaFayette 706-638-2520 101 Patton Ave LaFayette, GA 30728
Gregg, James Christopher	2011 Martin Luther King Jr. Dr. Dalton, Georgia 30720
Guinn, Don	2009 Gail Street Roseville, Georgia 30741
Hale, Mark & Cindy	23 Forest Way Drive LaFayette, GA 30728 706-764-2524
Hancock, Terry	385 Stanfield Rd. LaFayette, GA 30728
Hargis, John	Wann Funeral Home 4000 Tennessee Ave. Chattanooga, TN 37409
Haywood, Paul	Blossman Gas Company HWY 27 North Lafayette, GA 30728

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**Revised: 2/24/04**

Hedrick, Richard	Chattanooga Funeral Home-East Chapel S. Moore Rd & 124 Chattanooga, TN 37402 423-698-2541
Hill, Frank	Hardwick & Sons-see Brian Barrow
Hollimon, Harold	Chickamauga Railroad Villanow St. LaFayette, GA
Hughes, Paul	1128 Ben Hill Rd. Dalton, GA 30720 706-313-2702
Huskie, Randy	2011 Martin Luther King Jr. Drive Dalton, Georgia 30720
Jefferson, Bobby	Taylor Funeral Home 3417 Wilcox Blvd. Chattanooga, TN 423-622-8152
Jennings, Parnick Sr.	Parnick Jennings Funeral Home 430 Cassville, Rd Cartersville, GA 30120 770-382-0034
Jennings, Parnick, Jr.	Parnick Jennings Funeral Home 430 Cassville, Rd Cartersville, GA 30120 770-382-0034
Johnson, Ken	Erwin-Petit Funeral Home Summerville, GA
Johnson, Johnny	320 Center Point Rd LaFayette, GA 30728 706-764-1645
Jones, Keith	Former Employee- Tri-State-Unknown

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**Revised: 2/24/04**

Lawson, Larry	c/o City of Lafayette North Duke St. Lafayette, GA 30728
Lay, Dean	116 St. Clair St. Tracy City, TN
Lehman, Joe T.	J. Avery Bryan-see Larry Bellenfant
Lombardi, Tony	Matthew Cremation P.O. Box 547796 Orlando, FL 10800-327-2831
Long, Alvin	
Looker, Steve	Matthew Cremation P.O. Box 547796 Orlando, FL 1-800-327-2831
Lovin, Dan	Chattanooga Funeral Home-see Mike Blevins
Large, John	252 Loughridge Lane LaFayette, GA 30728 706-64-2916
Large, Maryann	8056 Hwy. 337 LaFayette, GA 30728 706-638-1290
Mabrey, Carroll	Chattanooga Funeral Home
Mandall, Agent Robbie	GBI
Marsh, Brent	
Marsh, Clara	
Marsh, James	222Waktgakk Av. Chickamauga, GA 706-375-5457

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**Revised: 2/24/04**

Marsh LaShae Rhames	
Marsh, Minnie	2011 Martin Luther King, Jr. Drive Dalton, Georgia 30720
Marsh, Vanessa	
Massey, John	Funeral Board
Mavity, Kenneth & Margaret	305 Loughridge Lane LaFayette, GA 30728
McDaniel, Louie	Chattanooga Funeral Home
McGill, W.E. "Bill"	Ex-Walker County Corner
Mitchell, Rosa	1135 Campbell Ave, Apt. B15 LaFayette, GA 30728 706-638-3332
Moore, Larry	P.O. Box 816 Trenton, GA 706-657-4382
Moore, Mary	P.O. Box 816 Trenton, GA 706-657-4382
Morrison, Major Hill	Walker County Sheriff Department
Motley, Mark	277 Forrest Way Drive LaFayette, GA 30728 423-595-3008
Oliver, Steve	403 Park Canuin Dr. Dalton, GA 706-280-9395
Overstreet, Rev. Clarence E.	House of Overstreet
Oxford, Rich	Turner22 Lexington Rd. Crawfordville, GA 30631



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**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

Pettit, Durward	Erwin- Pettit
Pettyjohn, Lynn	417 Loughridge Lane LaFayette, GA 30720 706-764-2489
Pike, Eugene M.	SCI Tennessee
Pickard, Nathaniel	3536 Cottonwood Lane Chattanooga, TN
Ponders, Stonewall	Kenemer Brothers Funeral Home
Price, Rev. Frank	874 Highland Ave Summerville, GA 706-857-2477
Rainwater, Earle	J.D. Hill Funeral Home Summerville, GA
Ramey, Greg	GBI
Revell, Dr.	GBI
Rush, Greg	220 Wilwood Ave Cleveland, TN
Russell, Robert	P.O. Box 506; Highway 11 South Trenton, GA 30752 706-657-7525
Ryan, David	P.O. Box 506; Highway 11 South Trenton, GA 30752 706-657-7525
Ryan, Robert	P.O. Box 506 Highway 11 South Trenton, GA 30752 706-657-7525
Schrader, Robert	607 Eagle View Dr. Ringgold, GA 706-965-5162

**In re: Tri-State Crematory Litigation**  
**MDL Docket No. 1467**

**SECOND REVISED ATTACHMENT F-2**  
**FUNERAL HOME DEFENDANTS**  
**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

Shelby, Robert	250 Forrest Way Drive LaFayette, GA 30728 706-764-2758
Smith, Vadie	371 Center Point Dr. 706-764-1206 LaFayette, GA
Snow, Mike	
Solomon, Carolyn	185 Forrest Way Dr. LaFayette, GA 30728 706-764-1838
Sperry, Kris Dr.	Medical Examiner Walker Co.
Stanfield, Mark	Walker County Sheriff
Stone, James	148 Forrest Way Drive LaFayette, GA 30728 706-764-2682
Suttles, Mary	2011 Martin Luther King Jr. Dr. Dalton, GA 30720
Suttles, Robert	
Tate, Randy	950 Mel Dixon Lane Jasper, TN 37347 423-942-9500
Taylor, Anita	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, Carl	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, Dorothy	Taylor Funeral Home
Taylor, Jackie	3417 Wilcox Blvd. Chattanooga, TN 37411 615-622-8152
Taylor, John	3417 Wilcox Blvd. Chattanooga, TN 615-622-8152

**In re: Tri-State Crematory Litigation**  
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**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

Thomas, Bruce	535 Red Bud Rd Calhoun, GA 30701 706-629-2832
Thompson, David	Chattanooga Funeral Home
Thompson, R.C.	Wann Funeral Home 4000 Tennessee Ave. Chattanooga, TN 37409
Trammell, Gertrude	765 MLK Blvd. Chattanooga, TN 37403
Trammell, Sandra	Hardwick & Sons Funeral Home
Walker, Don	197 Lougridge Lane LaFayette, GA 30728 706-764-2446
Walker, Paula	197 Laugridge Lane LaFayette, GA 30728
Ware, Thomas	205 South Chattanooga St LaFayette, GA 30728 706-581-6989 cell
Waters, Lonnie	40 Eastwood Circle Jasper, GA 706-692-3716
Wilbanks, Richard	121 West Villanow St. LaFayette, GA 706-638-2222
Wilbanks, Sherman	2807 Josh Ward Rd. Summerville, GA 706-859-2285
Wilhite, Darlene	217 Williams Park Flintstone, GA 30725 423-280-4418
Williams, Eugene	Franklin-Strickland Funeral Home
Willis, Willie James	765 MLK Blvd. Chattanooga, TN 37403

**In re: Tri-State Crematory Litigation**  
**MDL Docket No. 1467**

**SECOND REVISED ATTACHMENT F-2**  
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**Revised: 2/24/04**

Willis, William, Jr.	2011 Martin Luther King Dr, Dalton, GA 30720
Willis, William, Sr.	2011 Martin Luther King Dr. Dalton, GA 30720
Wilson, David	c/o W.L. Wilson & Sons Funeral Home 555 West Cloud Springs Road Ft. Oglethorpe, GA 30742
Wilson, Dwayne	Walker County Coroner
Wilson, Glenda	c/o W.L. Wilson & Sons Funeral Home 555 West Cloud Springs Road Ft. Oglethorpe, GA 30742
Wilson, Leroy	W. L. Wilson & Sons Funeral Home
Wilson, Sheriff Stephen	Walker County Sheriff Department
Winston, Cory	3417 Wilcox Blvd. Chattanooga, TN 37411
Wolf, Darren	Chattanooga Funeral Home
Worthington, Mike	19445 Hwy 157 Raising Fawn, GA 30738 706 398-0690
Yates, Randy	63 Loughridge Lane LaFayette, GA 30728 760-764-2041

**In re: Tri-State Crematory Litigation**  
**MDL Docket No. 1467**

**SECOND REVISED ATTACHMENT F-2**  
**FUNERAL HOME DEFENDANTS**  
**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

	<b><u>DEFENDANTS' EXPERTS</u></b>
Baden, Dr. Michael	15 West 53 <sup>rd</sup> St. New York, NY 100019 212-397-2732
Ballantyne, Dr. Jack	
Bell, Dr. Garry L. DDS	
Bonanno, Dr. George Ph.D.	Columbia University 106 Morningside Drive Apartment 89 New York, NY 10027 212-678-4769
Davis, Dr. Dave M.	Piedmont Psychiatric Clinic 1938 Peachtree Road, N.W. Suite 505 Atlanta, GA 30309-1258 404-355-2914
Dietz, Park	537 Newport Center Dr. #300 Newport Beach, CA 92660
Falsetti, Anthony B. Ph.D.	Department of Anthropology University of Florida P.O. Box 112545 Gainesville, FL 32611 352-392-6772 1510 NW 28 <sup>th</sup> St Gainesville, FL 32605
Green, Keith M.	Hayworth-Miller FH 220 Heatherton Way Winston-Salem, NC 27104

**In re: Tri-State Crematory Litigation**  
**MDL Docket No. 1467**

**SECOND REVISED ATTACHMENT F-2**  
**FUNERAL HOME DEFENDANTS**  
**MAY CALL WITNESS LIST**  
**Revised: 2/24/04**

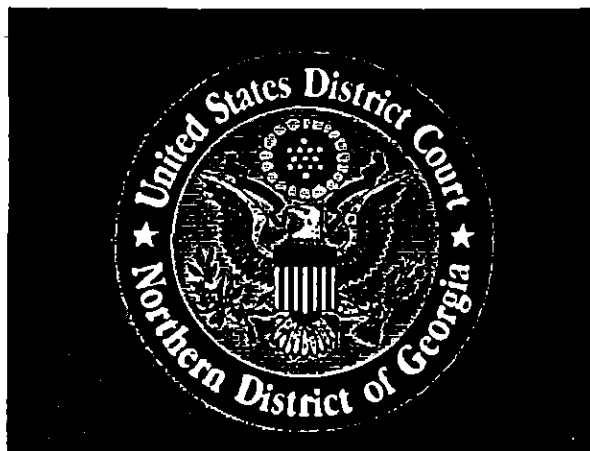
Hayworth, Terry M.	Hayworth-Miller FH 220 Heatherton Way Winston-Salem, NC 27104
Holland, Dr. Thomas	U.S. Army Central Identification Laboratory, Hawaii 310 Worchester Ave Hickman, AFB, HI 96853-5530 808-448-8062 x 51
Kroboth, Alan J	Rosedale & Rosehehill Cemetery 355 East Linda Ave Linden, NJ 07036 908-523-2368 146 W.5th Ave Roselle, NJ 07203
Levine, Lowell, DDS	240 Brentwood Court West Albany, NY 12203 518-452-8830
Murad, Turhon A. Ph.D.	Department of Anthropology California State University Chico, CA 95929-0400 530-898-6192
Ressler, Robert K.	P.O. Box 187 Spotsylvania, VA 22553-0187 540-582-0219
Van Beck, Todd W.	555 Butterfield Rd. Apt. 919 Houston, TX 77090 281-895-6096
142423.2	



EXHIBIT // ATTACHMENT

I

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## EXHIBIT / ATTACHMENT

2

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**In re: Tri-State Crematory  
MDL Docket No. 1467**

Revised  
ATTACHMENT "I-2"  
**FUNERAL HOME DEFENDANTS'  
VERDICT FORM AND  
PROPOSED SPECIAL INTERROGATORIES**

**Breach of Contract**

Do you find by a preponderance of the evidence:

1. That [Funeral Home] breached its funeral services contracts with the Class Members in 1996? (Go through each subsequent year. The statute of limitations bars any claims prior to February 26, 1996)

Answer Yes or No \_\_\_\_\_

**[There must be some way to differentiate between uncremated remains found on the site, adulterated remains and remains Plaintiffs are just uncertain about.]**

**Negligence**

Do you find by a preponderance of the evidence:

1. That [Funeral Home ] owed a duty of reasonable care to Class Members with regard to [Funeral Home]'s provision of funeral services to Class Members in 1988? (Go through sequence for each year.)

Answer Yes or No \_\_\_\_\_

2. That [Funeral Home] breached a duty of reasonable care to Class Members with regard to [Funeral Home]'s provision of funeral services to Class Members in 1988?

Answer Yes or No \_\_\_\_\_

**In re: Tri-State Crematory  
MDL Docket No. 1467**

**[There must be some way to differentiate between uncremated remains found on the site, adulterated remains and remains Plaintiffs are just uncertain about.]**

As a matter of law, Tri-State Crematory/Marsh Defendants are independent contractors, not the agents of [Funeral Home]. [Funeral Home] can only be held liable for the alleged negligence of Tri-State/Marsh Defendants if the wrongful act is the violation of a duty imposed by express contract upon [Funeral Home] or if the wrongful act is the violation of a duty imposed by statute on [Funeral Home]. Do you find by a preponderance of the evidence:

3. That [Funeral Home] should be liable in 1988 for the negligent actions of Tri-State Crematory/Marsh Defendants because of:

- a. the express language of the funeral services contract and cremation authorization used by [Funeral Home]?

Answer Yes or No \_\_\_\_\_

- b. the Georgia statutes [specify statutes] in effect during 1988, the year that [Funeral Home] sent remains to Tri-State?

Answer Yes or No \_\_\_\_\_

4. That [Funeral Home] could have reasonably foreseen that independent contractor Tri-State Crematory/Marsh Defendants would not cremate or properly handle the body sent by [Funeral Home] to Tri-State Crematory in 1988?

Answer Yes or No \_\_\_\_\_

5. That the actions of the Marsh Defendants constitute an intervening criminal act?

Answer Yes or No \_\_\_\_\_

**In re: Tri-State Crematory  
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**Negligent Interference with Remains**

Do you find by a preponderance of the evidence:

1. That [Funeral Home] negligently breached the contract to carry out the expressed wishes of the Class Members regarding cremation in the year 1988? (Go through sequence for each year.)

Answer Yes or No \_\_\_\_\_

2. That [Tri-State Crematory/Marsh Defendants] negligently breached the contract to carry out the expressed wishes of the Class Members regarding cremation in the year 1988? (Do separate interrogatory for each year.)

**[There must be some way to differentiate between uncremated remains found on the site, adulterated remains and remains Plaintiffs are just uncertain about.]**

Answer Yes or No \_\_\_\_\_

As a matter of law, Tri-State Crematory/Marsh Defendants are independent contractors, not the agents of [Funeral Home]. [Funeral Home] can only be held liable for any alleged negligent interference with remains by Tri-State/Marsh Defendants if the wrongful act is the violation of a duty imposed by express contract upon [Funeral Home] or if the wrongful act is the violation of a duty imposed by statute on [Funeral Home].

Do you find by a preponderance of the evidence:

3. That [Funeral Home] should be liable for the negligent interference with remains by Tri-State Crematory/Marsh Defendants in 1988 because of:
  - a. the express language of the funeral services contract and cremation authorization used by [Funeral Home] in 1988?

Answer Yes or No \_\_\_\_\_

**In re: Tri-State Crematory  
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- b. the Georgia statutes [specify statutes] in effect during 1988, the year that [Funeral Home] sent remains to Tri-State?

Answer Yes or No \_\_\_\_\_

4. That [Funeral Home] could have reasonably foreseen that independent contractor Tri-State Crematory would not cremate or properly handle the remains sent by [Funeral Home] to Tri-State Crematory in 1988?

Answer Yes or No \_\_\_\_\_

5. That the actions of the Marsh Defendants constitute an intervening criminal act?

Answer Yes or No \_\_\_\_\_

### **Willful Interference With Remains**

There is no evidence that the Funeral Homes willfully interfered with remains. The issue is whether the Funeral Homes should be held liable for the actions of Tri-State Crematory/Marsh Defendants. As a matter of law, Tri-State Crematory/Marsh Defendants are independent contractors, not the agents of [Funeral Home].

Do you find by a preponderance of the evidence:

1. That Tri-State Crematory/Marsh Defendants knowingly and deliberately interfered with remains sent to Tri-State for cremation in 1988 [Go through sequence for each year.]

Answer Yes or No \_\_\_\_\_

**[There must be some way to differentiate between uncremated remains found on the site, adulterated remains and remains Plaintiffs are just**

**In re: Tri-State Crematory  
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**uncertain about.]**

2. That [Funeral Home] should be liable for the willful interference with remains of Tri-State/ Marsh Defendants in 1988? [Do separate interrogatory for each year.]

Answer Yes or No \_\_\_\_\_

**CERTIFICATE OF SERVICE**

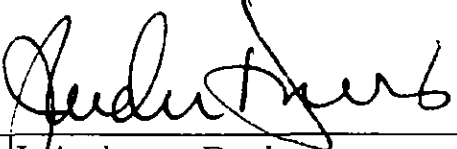
This is to certify that I have this day served counsel for all parties with a copy of the within and foregoing **Funeral Home Defendants' Second Amendment and Third Supplement to the Pre-Trial Order** by causing a copy of same to be placed in first class U.S. mail with adequate postage affixed thereto and addressed as follows:

Robert H. Smalley, III, Esquire  
McCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP  
Post Office Box 1105  
Dalton, GA 30720-1105  
Liaison for Plaintiffs

McCracken Poston, Jr., Esquire  
OFFICE McCracken POSTON  
Post Office Box 1130  
Ringgold, GA 30736  
Liaison/Lead Counsel for  
Tri-State Crematory, Inc.

Frank E. Jenkins, III, Esquire  
JENKINS & OLSON  
15 Public Square, South  
Cartersville, GA 30120-3350  
Liaison/Lead Counsel for  
the Marsh Family

This 25th day of February, 2004.

  
\_\_\_\_\_  
J. Anderson Davis